# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/667,983 | 09/22/2003 | Shahid R. Chaudry | 555255-012-577 | 1961 |

| 33787 | 7590 | 11/21/2006 |
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| EXAMINER |
|---|
| NGUYEN, TUAN HOANG |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2618 | |

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on *25 August 2006*.

2a) ☒ This action is **FINAL**.     2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) *1-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-38* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

### *Response To Arguments*

1.      Applicant's arguments filed on 08/25/2006 with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.      Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryan et al. (US PUB. 2004/0095903 hereinafter, "Ryan").

Consider claim 1, Ryan teaches a method for use in prioritizing a voice call request during a data communication session for a mobile communication device, comprising: receiving a voice call request for a voice call involving a mobile communication device while the mobile communication device is engaged in a connected data communication service (page 1 [0010] and page 2 [0020]); in response to receiving the voice call request: causing a traffic channel of the connected data communication service to be torn down (page 1 [0010]); and causing the voice call to be established with the mobile communication device (page 1 [0011]).

Consider claim 15, Ryan teaches a mobile communication device, comprising: a user interface (page 2 [0014]); one or more processors coupled to the user interface (page 2 [0014]); a wireless transceiver coupled to the one or more processors (page 2 [0014]); the one or more processors being further operative to operate the wireless transceiver for the communication of user data associated with a connected data communication service for the mobile communication device (page 2 [0014]); receive a voice call request during the connected data communication service (page 1 [0010] and page 2 [0020]); in response to receiving the voice call request during the connected data communication service: cause a traffic channel of the connected data communication service to be torn down (page 1 [0010]); and cause a voice call to be established with the mobile communication device with use of the wireless transceiver (page 1 [0011]).

Consider claim 26, Ryan teaches a computer program product, comprising: a computer storage medium (page 2 [0019]); computer instructions stored on the computer storage medium (page 2 [0019]); the computer instructions being executable on a processor for: receiving a voice call request for a voice call involving a mobile communication device during a connected data communication service for the mobile communication device (page 1 [0010] and page 2 [0020]); in response to receiving the voice call request: causing a traffic channel of the connected data communication service to be torn down (page 1 [0010]); and causing the voice call to be established with the mobile communication device (page 1 [0011]).

Consider claims 2 and 27, Ryan further teaches the method is performed by the mobile communication device (page 2 [0018]).

Consider claim 3, Ryan further teaches the method is performed by the mobile communication device and the act of receiving the voice call request further comprises: receiving the voice call request through a user interface of the mobile communication device (page 1 [0014]).

Consider claims 4 and 28, Ryan further teaches the method is performed by one or more servers in a wireless communication network within which the mobile communication device operates (page 1 [0012]).

Consider claims 5, 16 and 29, Ryan further teaches the act of causing the traffic channel to be torn down comprises the further act of causing a release order to be transmitted (page 1 [0010]).

Consider claims 6, 17, and 30, Ryan further teaches the act of causing the traffic channel to be torn down causes the connected data communication service to enter into a dormant state (page 3 [0021]).

Consider claims 7 and 18, Ryan further teaches the act of causing the traffic channel to be torn down causes the connected data communication service to enter into a dormant state (page 3 [0021]); and maintaining the data communication service in the dormant state during the voice call (page 3 [0021]).

Consider claims 8, 19, and 31, Ryan further teaches after completion of the voice call, resuming data communications of the data communication service (page 1 [0010]).

Consider claims 9 and 20, Ryan further teaches the data communication service involves an Internet Protocol (IP) connection (page 2 [0020]).

Consider claims 10, 21 and 32, Ryan further teaches maintaining an Internet Protocol (IP) connection for the data communication service after causing the traffic channel to be torn down and the voice call to be established (page 1 [0010] and page 2

[0020]).


Consider claims 11 and 22, Ryan further teaches the data communication

service involves a Point-to-Point Protocol (page 2 [0016]).


Consider claims 12, 23 and 33, Ryan further teaches maintaining a Point-to-Point

Protocol (PPP) connection of the data communication service after causing the traffic

channel to be torn down and the voice call to be established (page 1 [0010] and page 2

[0020]).


Consider claims 13 and 24, Ryan further teaches the data communication

service comprises e-mail message communication (page 3 [0023]).


Consider claims 14 and 25, Ryan further teaches the data communication

service comprises Internet data communication (page 3 [0023]).


Consider claim 34, Ryan teaches a method for use in prioritizing a voice call

request during a data communication session involving a mobile communication device,

comprising: receiving the voice call request for a voice call involving the mobile

communication device while the mobile communication device is engaged in a

connected data communication service via a wireless communication network, the

connected data communication service utilizing a traffic channel maintained with the

wireless communication network and a Point-to-Point Protocol (PPP) session for

communications (page 1 [0010] and page 2 [0016] & [0020]); in response to receiving

the voice call request for the voice call involving the mobile communication device:

causing the traffic channel for the connected data communication service to be torn

down without terminating the PPP session (page 1 [0010]); and causing the voice call

involving the mobile communication device to be established and maintained while the

PPP session for the data communication service is maintained (page 1 [0011]).


Consider claim 35, Ryan further teaches the method is performed by the mobile

communication device and the act of receiving the voice call request further comprises:

receiving the voice call request through a user interface of the mobile communication

device (page 2 [0014]).


Consider claim 36, Ryan further teaches the method is performed in the network

(page 1 [0010]).


Consider claim 37, Ryan further teaches the act of causing the traffic channel to

be torn down comprises the further act of transmitting a release order having a release

order qualification code which indicates that the traffic channel is being terminated to

enter into a dormant state (page 3 [0021]).

Consider claim 38, Ryan further teaches the method is embodied as a computer

proof, ram product comprising a computer readable medium and computer instructions

stored in the computer readable medium which are executable by one or more

processors for performing the method (page 3 [0022]).

### *Conclusion*

4.      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

5.      Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Tuan Nguyen  *T·N*                                         *11/02/06*
Examiner
Art Unit 2618                           **QUOCHIEN B. VUONG**
                                        **PRIMARY EXAMINER**